

DOCKET NO: UWY-CV-18-6046436-S :	:	SUPERIOR COURT
ERICA LAFFERTY, ET AL.,	:	COMPLEX LITIGATION DOCKET
VS.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL.	:	JANUARY 12, 2022

DOCKET NO: UWY-CV-18-6046437-S :	:	SUPERIOR COURT
WILLIAM SHERLACH,	:	COMPLEX LITIGATION DOCKET
VS.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL.	:	JANUARY 12, 2022

DOCKET NO: UWY-CV-18-6046438-S :	:	SUPERIOR COURT
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OPPOSITION TO MOTION CONCERNING SUBPOENA TO FACEBOOK, INC.

Defendants Alex Jones, Free Speech Systems, LLC, Infowars, LLC, Infowars Health, LLC, and Prison Planet TV, LLC, hereby object to Plaintiffs' Motion Concerning Subpoena to Facebook, Inc. (*Lafferty* Entry No. 646.00). The Order permitting the commission to Facebook (*Lafferty* Entry No. 548.10) was issued before the Court determined that Defendants would not be permitted to defend this matter under the provisions of Practice Book § 17-34. Now that there is no potential for a defense before this Court, there is no need for the requested discovery from Facebook. None of the requests specifically ask about any of the articles or broadcasts mentioned in the operative complaints. Instead, they are general requests for analytics information that cannot possibly inform a jury as to how any damages could be calculated.

For example, quantifying how many people saw a post does not mean they clicked on the accompanying media or paid any attention to it if they did, or if they had any reaction to the text

of the post itself, such that they would then form a negative opinion about any of the individual plaintiffs. Neither can the information sought inform any plaintiff's claim for emotional distress—what other people saw is immaterial, and to the extent Plaintiffs would claim that viewers of the posts were the ones who allegedly harassed them, they should be seeking information about those people, not Defendants. Nor would general advertising or revenue information support any of the damages claims, as Sandy Hook was but a miniscule fraction of the content published by Free Speech Systems over the many years at issue. Thus, the motion should be denied because there is no need for the subpoena at all.

As to the specific relief sought, the subscriber information was not even sought by Plaintiffs and they do not justify it except by saying that Facebook has conveyed a preference. Subpoena recipients do not get to dictate what discovery a party should seek. Plaintiffs identified the discovery they believed was relevant, which did not include subscriber information. Facebook's preference is immaterial—they offer nothing to suggest there is any burden (let alone an undue one) to compliance in the absence of the additional request. Dropped in a footnote, Plaintiffs set forth what they mean by “subscriber information” which includes what communications services were used, personally identifying information, and location information, none of which is relevant to Plaintiffs' putative damages.

In light of the foregoing, the motion concerning the subpoena to Facebook should be denied.

Dated: January 12, 2022

Respectfully submitted,
ALEX EMRIC JONES, INFOWARS, LLC,
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CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on this 12th day of January 2022 to all counsel and pro se parties of record and that written consent for electronic delivery was received from all counsel and pro se parties of record who were electronically served including:

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